SUPREME COURT, U. S.

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No. — 936

IN THE

Supreme Court of the United States

OCTOBER TERM, 1964

JAMES F. BIRD, Individually, and JAMES F. BIRD and JEROME KEITH, Executors of the Estate of Laura L. Jeffords, Deceased,

Petitioners,

v.

ESTELLE S. McCORD and HARLOW C. McCORD,

Respondents.

PETITION FOR A WRIT OF CERTIORARI TO THE UNITED STATES COURT OF APPEALS FOR THE DISTRICT OF COLUMBIA CIRCUIT

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IN THE

Supreme Court of the United States

OCTOBER TERM, 1964

No.

JAMES F. BIRD, Individually, and JAMES F. BIRD and JEROME KEITH, Executors of the Estate of Laura L. Jeffords, Deceased,

Petitioners,

v.

ESTELLE S. McCORD and HARLOW C. McCORD,

Respondents.

PETITION FOR A WRIT OF CERTIORARI TO THE UNITED STATES COURT OF APPEALS FOR THE DISTRICT OF COLUMBIA CIRCUIT

To the Honorable, The Chief Justice and Associate Justices of the Supreme Court of the United States:

The petitioners, James F. Bird, Individually, and James F. Bird and Jerome Keith, as Executors of the Estate of Laura L. Jeffords, Deceased, pray that a writ of certiorari issue to review the judgment of the United States Court of Appeals for the District of Columbia Circuit entered in the above-entitled case on the 2nd day of December, 1964.

JUDGMENTS OF THE COURTS BELOW ENTERED WITHOUT OPINION

In the United States District Court for the District of Columbia, in Civil Action No. 1746-60, on issues raised

by the third party complaint of the third party plaintiffs, petitioners herein, against the third party defendant, Harlow C. McCord, one of the respondents herein, the trial judge, on the 30th day of September, 1963, directed the jury to return a verdict in favor of said third party defendant, and judgment was then entered thereon in favor of said third party defendant, without opinion. Further, on the 2nd day of October, 1963, a verdict of the jury and judgment thereon was entered in favor of the plaintiff, Estelle S. McCord, other respondent herein, upon issues raised by her complaint and the counterclaim of the defendants, James F. Bird, Individually, and James F. Bird and Jerome Keith, Executors of the Estate of Laura L. Jeffords, Deceased, petitioners herein, without opinion. Said judgments, following entry upon the docket of the U. S. District Court for the District of Columbia on the 18th day of October, 1963, became appealable to the U. S. Court of Appeals for the District of Columbia Circuit by virtue of Title 28, sec. 1291, U. S. Code. Thereupon, petitioners herein, as defendants and third party plaintiffs in the U. S. District Court, seasonably invoked their right to appeal and entered timely appeal, as appellants, against the aforesaid plaintiff and third party defendant, as appellees (J. A. 431)

The Appellate Court, on October 29, 1964, affirmed the judgments of the U. S. District Court, without opinion. Thereafter, on motion of appellants, petitioners herein, for rehearing *en banc*, the Appellate Court, on December 2, 1964, *en banc*, denied appellants' petition for rehearing *en banc*, without opinion.

JURISDICTION

The judgment of the Court of Appeals, without opinion, entered on the 29th day of October, 1964, appears in Appendix, infra, pp. 16-17a. The Order of the Court of Appeals, *en banc*, denying appellants' petition for rehearing,

en banc, without opinion, entered on the 2nd day of December, 1964, appears in Appendix, infra, p. 18a. Jurisdiction of this Court is invoked by virtue of 28 U. S. Code 1254 (1).

QUESTIONS PRESENTED

1. Whether the trial judge erred in failing to direct a verdict in favor of the petitioners on the complaint of respondent Estelle S. McCord because of lack of the evidence to establish her right to recover upon her claim against these petitioners as executors as provided by law?

2. Whether the trial judge erred in failing to direct a verdict for the petitioners on the complaint of the respondent Estelle S. McCord because of lack of the evidence to establish any alleged gift to her by the decedent, either inter vivos or causa mortis, as required by law?

3. Whether the trial judge erred in failing to direct a verdict for these petitioners on the complaint of the respondent Estelle S. McCord for recovery of any alleged stock certificate or certificates or property of like character from these petitioners as executors because the evidence failed to establish vestment of any right, title or interest, in or to such alleged property in said respondent as required by law?

4. Whether the trial judge erred in failing to direct a verdict in favor of these petitioners as executors on all of the items of their counterclaim against respondent Estelle S. McCord and for recovery of the two five thousand dollar bearer U. S. Government bonds had by said respondent from petitioners' decedent, Laura L. Jeffords, in her last illness, because the uncontroverted evidence, supporting said respondent's original answer to said counterclaim, submitted by said respondent, was to the effect that she acquired ownership of said bonds, subject to rights of said Laura L. Jeffords during her lifetime, pursuant to

oral agreement between her and Laura L. Jeffords and payment of $25.00 by her to Laura L. Jeffords by her check dated September 4, 1959, without note or reference to transaction to which it related (Plaintiff's Exhibit No. 1—J. A. p. 375), and when such alleged oral agreement was not in any part or manner corroborated by any other note or thing and of no effect for charge upon the estate of Laura L. Jeffords, deceased, as provided by law? (Code 12-302 and Code 12-303)

5. Whether the trial judge erred in allowing the respondent Estelle S. McCord departure from her claim of ownership of the two five thousand dollar bearer U. S. Government bonds as upon oral agreement and $25.00 payment therefor under pleadings and evidence submitted, and in lieu thereof, by and under the same pleadings and evidence without corroboration whatsoever, allowing her to claim ownership of said bonds and be adjudged owner thereof as a *gift* authorized by law?

6. Whether the trial judge erred in failing to direct a verdict in favor of these petitioners as third party plaintiffs on their third party complaint against respondent Harlow C. McCord as third party defendant?

7. Whether the trial judge erred in denying petitioners their Constitutional right to jury trial upon the issues joined by their third party complaint against respondent Harlow C. McCord as third party defendant?

8. Whether the trial judge erred and arbitrarily prejudiced petitioners' Constitutional right to jury trial on issues joined between them and respondent Estelle S. McCord by directing a verdict on September 30, 1963, in favor of respondent Harlow C. McCord who, up to that time shared part in the issues of trial with respondent Estelle S. McCord, which remained outstanding and were left for jury determination, when the uncontroverted evidence established that said respondent Harlow C. Mc-

Cord actively participated with respondent Estelle S. McCord in removal of the property, and with respondent Estelle S. McCord was joined in maintaining undisclosed and concealed under their keeping and management, the property involved in this suit, including the government bonds? *Russell* v. *Post*, 138 U. S. 425, 11 S. Ct. 353, 34 L. Ed. 1009.

9. Whether the trial judge erred in the giving of the Allen Charge to the jury and in proceeding to give prospect to the jury of first-time overnight lockup of them, in such situation under such circumstances, was prejudicial and coercive against their ability to arrive upon independently agreed unanimous verdict?

STATUTES INVOLVED

The statutory provisions principally involved are: D. C. Code, Title 12-302 (Mar. 3, 1901, 31 Stat. 1367, ch. 854, sec. 1117).

Applicable provision here being:

> "No action shall be brought whereby to charge any executor or administrator upon any special promise to answer damages out of his own estate, . . . or *upon any contract* or sale of lands, tenements or *hereditaments*, or any interest in or concerning them, . . . unless the agreement upon which such action shall be brought, or some memorandum or note thereof, shall be in writing, which need not state the consideration, and signed by the party to be charged therewith or some other person thereunto by him lawfully authorized."

D. C. Code, Title 12-303 (Mar. 3, 1901, 31 Stat. 1367, ch. 854, sec. 1118).

Applicable provisions here being:

> "All declarations or creations of trust or confidence of any lands, tenements, or *hereditaments* shall be

manifested and proved by some writing signed by the party who is by law enabled to declare such trust or by his last will in writing, or else they shall be utterly void and of none effect.

"All grants and assignments of any trust or confidence shall likewise be in writing, signed by the party granting or assigning the same or by such last will or devise, or else shall be utterly void and of none effect."

D. C. Code, Title 12-403—(Mar. 3, 1901, 31 Stat. 1368, ch. 854, sec. 1122).

Applicable provisions here being:

"Any executor, administrator, receiver, assignee, or other trustee of an estate, . . . or individual, may, for the benefit of creditors and others interested in the estate or property so held in trust, disaffirm, treat as void, and resist all acts done, transfers, and agreements made in fraud of the rights of any creditor, including themselves and others interested in any estate or property held by or of right belonging to such trustee or estate; and every person who in fraud of the rights of creditors or others shall have received, taken, or in any manner interfered with the estate, property, or effects of any deceased person . . . or individual shall be liable, in the proper action, to the executors, administrators, receivers, or other trustees of such estate or property for the same, or the value of any property or effects so received or taken, and for all damages caused by such acts to any such trust estate."

STATEMENT OF THE CASE

Laura L. Jeffords, a widow, within a few days of being 90 years of age at the time of her death on December 25, 1959, had made a will dated July 2, 1951, most of which was in her own handwriting. [TR. 185 to 188] Said will was admitted to probate and record. The bulk of the es-

tate, as residue, was left to the petitioners, James F. Bird and Jerome Keith, who were named in the will as executors.

James F. Bird had been her personal attorney for many years and had been designated and appointed by her for performance of other services in her behalf, which he engaged upon and performed in accordance with her written instructions during her last illness and through her death and burial. Record of her said death, shown in J. A., p. 367 as Defendants' Exhibit No. 6, is printed in Appendix B hereto, infra, p. 19a. Designations and appointments of Laura L. Jeffords of said James F. Bird for said other services are shown in J. A. pp. 368, 369, 370-1 as Defendants' Exhibits No. 7, No. 8, No. 9, and J. A. p. 378, as plaintiff's Exhibit No. 7 in Appendix B hereto, infra, pp. 20a, 21a, 22a, 23a.

Jerome Keith, co-petitioner herein, and co-executor, and his family, had been intimate friends of Laura L. Jeffords for many years.

Respondent Estelle S. McCord and her mother had been intimately acquainted with said Laura L. Jeffords, for many years, and said mother was left a legacy in the will, but respondent Estelle S. McCord was not mentioned therein.

Several months before the death of said Laura L. Jeffords, respondent Estelle S. McCord undertook to manage her care. When said respondent Estelle S. McCord was questioned by the executors relative to a certain piece of diamond jewelery, her husband, co-respondent Harlow C. McCord, and she, employed an attorney; and several months thereafter the executors became informed of two five thousand dollar bearer U. S. Government bonds and other property from the deceased Laura L. Jeffords in the possession of respondents Estelle S. McCord and Harlow C. McCord.

The present litigation was begun by the filing of a complaint by the respondent Estelle S. McCord on June 9, 1960. In her complaint, she alleged gift of a cedar chest and claimed right to alleged unidentified contents returned therefrom to the residence of Laura L. Jeffords during her lifetime. (J. A. 1)

The Petitioners, the executors, filed answer denying the alleged gift, and filed with it counterclaim demanding recovery of property of the testatrix wrongfully had and possessed by respondent Estelle S. McCord. (J. A. 4, 5, 6)

Reply to said counterclaim was filed by said Estelle S. McCord. (J. A. 6)

Answer of James F. Bird, individually, denying the alleged gift was filed. (J. A. 7)

Order authorizing executors to bring in Harlow C. McCord as third party defendant was filed. (J. A. 9)

Third party complaint against respondent Harlow C. McCord as third party defendant was filed, claiming that said third party defendant did wrongfully, individually and jointly with Estelle S. McCord, remove and convert assets of the deceased Laura L. Jeffords. (J. A. 10)

Answer to the third party complaint was filed. (J. A. 12)

The petitioners claim that respondent Estelle S. McCord failed to establish gift or gifts as required by law.

Petitioners claim that it was shown by uncontroverted evidence that respondent Harlow C. McCord did, individually, and in active aid and abetment of respondent Estelle S. McCord, remove, conceal and retain the property in question of the deceased Laura L. Jeffords and her estate.

The petitioners claim that the trial judge erred in denying their motion for judgment in their favor on the issues

of the complaint of respondent Estelle S. McCord and on the issues of the petitioners' counterclaim against said respondent.

The petitioners claim that the trial judge erred in directing a verdict and judgment in favor of respondent Harlow C. McCord on the issues of the third party complaint (J. A. 396)

The petitioners claim that the trial judge erred in directing a verdict and judgment in favor of respondent Harlow C. McCord before the jury having yet to pass upon issues wherein both said respondent Harlow C. McCord and respondent Estelle S. McCord had joint participation.

The petitioners claim that the trial judge erred in denying their motions (J. A. 399) for judgment non obstante vredicto as to the complaint of respondent Estelle S. McCord v. respondent James F. Bird, individually, and respondents James F. Bird and Jerome Keith, executors of the estate of Laura L. Jeffords, deceased, or in the alternative for a new trial; for judgment non obstante veredicto upon the total of items of counterclaims of the petitioner-executors in the claims by them against respondent Estelle S. McCord, or in the alternative for a new trial; for an order vacating and setting aside the verdict and judgment directed in favor of respondent Harlow C. McCord on the issues of the third party complaint.

Petitioner claim that the trial judge erred in that, on the second day of the jury's deliberations, after they had announced in writing by their foreman that they were unable to agree on a verdict, and thereafter were delivered the Allen Charge by the trial judge, and further thereafter, for the first time, were confronted with prospect of being locked up overnight in the court's custody and pending their delivery of an agreed verdict in the case.

This Petition is invoked against a judgment of the Court of Appeals below made final on the 29th day of October, 1964, dated December 2, 1964.

REASONS FOR GRANTING THE WRIT

Your petitioners by their attorney respectfully say that special and important reasons for granting the writ exist because the decision of the District Court adopted and affirmed by the Court of Appeals below, without opinion, is not in accord with the principles of law enunciated by this Court in two substantial areas of law, namely, with respect to certain essentials of gifts and transfers of certificates of stocks and bonds, and right to jury trial; also, in that it is in conflict with its own previous decisions in parallel cases reported in this Federal Circuit and contravenes U. S. Statutes enacted for the District of Columbia having considerable local and federal significance which, it is believed, need review by this Court.

With regard to the question about gift and transfer of stock certificates as alleged in the instant case, this Court, in 1876, in a case involving a negotiable certificate, *Basket* v. *Haskell*, 107 U. S. 602, 2 Sup. Ct. 415, 27 L. Ed. 500, to date followed in federal jurisdictions, held that if such a gift does not take effect as an executed and completed transfer to the donee, of possession and title, either legal or equitable, during the life of the donor, it is a testamentary disposition, good only if made and approved as a will. *In Weil* v. *Commissioner of Internal Revenue*, 82 F 2d 561, having bearing for analogy of the evidence in the instant case, it is held that, generally, a donor must go as far as the nature of the property and circumstances permit in parting with dominion and making a gift irrevocable. In the case of *Casey* v. *Topliffe*, 65 App. D. C. 100, 82 F 2d 543, a widow claimed certain securities as a gift from her deceased husband. The widow claimant had had power of attorney relative to her hus-

bands securities. She testified that he had stated that his securities were hers. A witness, a Mrs. Gillman, an old friend of the family, testified that prior to Mr. Casey's illness, and shortly after he had made his will (in which his wife was named executrix) in a discussion of his affairs with her, he had said: "My stocks and bonds belong to Mae." (His wife, appellant.) The wife did not have possession of the securities in question free from the husband's control at any time prior to his death. The court held that, assuming the accuracy of the evidence of the oral declarations, it was not, without more, sufficient to establish the claim of gift to the wife as required by law in this jurisdiction. This case stands of record, *unmodified by reported case*, as pronouncement of the Court of Appeals below.

On the uncontroverted evidence with exhibits (Appendix B herein, infra, pp. 20a, 21a, 22a, 23a) the deceased had effected written appointment of petitioner James F. Bird to have *charge of all* her *personal and financial affairs* and that the same were, commencing on to wit, October 20, 1959, after bank power of attorney to him issued, and continuing until her death on December 25, 1959, in sole charge of said petitioner, within personal knowledge of respondent Estelle S. McCord (J. A. 37, Supp. 46); that much of the evidence given by and in behalf of her claim of an oral giving of the *chest and its contents* to her by the deceased is completely refuted by the testimony she gave in her deposition taken July 7, 1960, as follows:

> BY MR. LEEMAN:
>
> Q. Mrs. McCord, when your deposition was taken on July 7, 1960, I will read your questions by Mr. Gray and your answers and ask if this was your testimony:

"BY MR. GRAY:"—

MR. LASKEY: What page are you on, Mr. Leeman?

MR. LEEMAN: Page 49.

MR. LASKEY: I have it. Thank you.

MR. LEEMAN: READING:

"Q. Mrs. McCord, coming now to this cedar chest, when was it that Mrs. Jeffords first said something to you about your having it, giving it to you?

"A. Around the end of October.

"Q. Was that the first time she ever mentioned the cedar chest to you?

"A. That was when she was sick and she was unhappy. I mean she didn't think that she was going to—she didn't like being incapacitated and she told me, she said, "Your name is not in the will but I want you to have some of my things." She said, "I want you to have the chest. You have children to hand things down to. I have no one." She wanted me to take it then. She said, "*We can sort the things out, and I said I just didn't want to take it, just to leave it there.*"

Was that your testimony? A. That was my testimony, sir. That's when she meant for me to make arrangements that day to take the chest, and I didn't do it.

Mrs. Jeffords lacked capacity to properly attend her affairs at that time, as shown by the foregoing, and also when it is taken into consideration that she had previously, as of, to wit, October 20, 1959, delegated to petitioner James F. Bird, charge of all her personal and financial affairs and in view of the fact that her energies and capacities continued to decline to her death on December 25, 1959. It is beside the point to say here that after the end of October, 1959, she, by herself or by anyone in her behalf, could have made a valid gift of her cedar chest here in question and *unsorted-out* contents of considerable

value and significance to her personally and to her estate.

There was no clear or convincing evidence that the alleged stock certificates and securities in question were ever in the said cedar chest. Alleged gift of them must be taken in connection with the fact that Laura L. Jeffords, deceased, was an intelligent woman and familiar with stock certificates and knew that execution of an assignment was required to transfer ownership of same. None of the certificates of stock in question was ever assigned.

The state of the evidence makes it proper to request this Court to review the alleged gifts involved in this case.

As reported in many cases treating with issues similar to the issues involved in this case, courts, generally, regard and hold that gifts of substance dependent upon oral evidence, obtained from aged, infirm and incapacitated donors by donees in confidential relationship with such donors, are, as a matter of law, invalid and of no effect; that this legal principle is especially applicable in cases where any such donee has obtained or held any such gift in secrecy until after the death of the donor. *Myers* v. *Tschiffeley*, 64 App. D. C. 17, 73 F 2d 657; *In re: Stahl's Estate*, 305 Ill. App. 517, 27 N. E. 2d 662; *In re: Reardon's Estate*, 26 NYS 2d 203; *Johnson* v. *Goodballet* (USCC Mo.) 46 F 2d 934; *Garner* v. *Garner*, 171 Md 603, 190 Atl 243.

It should be noted that most of the stock certificates, the subject of the alleged gift, were in possession of your petitioners, the executors, and under an order of the Probate Court authorizing their sale and that said stock certificates had been delivered to a stock broker firm for sale. (J. A. 37, Supp. 49-50) It was after said stock certificates had been delivered to a stock broker firm and an

inventory listing said stocks had been filed in the Probate Court by your petitioners, the executors that the respondent, Estelle S. McCord, filed her complaint, claiming them as an alleged gift. *Basket* v. *Hassell*, 107 U. S. 602, 2 S. Ct. 415, 27 L. Ed. 500.

With respect to the two five thousand dollar bearer U. S. Government bonds, it was never claimed that they were in the chest.

Respondent Estelle S. McCord first by her testimony claimed that she had purchased them, subject to conditions of Laura L. Jeffords whereby she was obligated and charged with care of Mrs. Jefford's expense contingencies and subject to Mrs. Jefford's having the interest coupons thereon. If this testimony is accepted there must be a writing. D. C. Code, Title 12-302 and 303. There was no writing. Her check for $25.00, Plaintiff's Exhibit No. 1, (J. A. 375) did not serve. 153 LRA 1112, Alvin Epstein Advertising Agency v. Helfer, 138 A. 2d 925 (D. C. Mun. Ct. of Appeals). The trial court then permitted said respondent to assert her acquisition of said bonds as an alleged gift and thereby deprived the petitioners of defense provisions of Title 12, sections 302 and 303 of the Code.

The trial court deprived the petitioners of their Constitutional right to jury trial and to a fair and impartial consideration of their case when a directed verdict was given for respondent Harlow C. McCord in the midst of the trial. Russell vs. Post 138 U.S. 425.

The petitioners further were deprived of their Constitutional right, when the trial court, after having been advised in writing by the foreman of the jury that it was unable to reach a verdict, proceeded to give the Allen Charge and, with the knowledge of the jury, arranged for the jury to be locked up for the night. While the Allen Charge delivered to a jury in proper circumstances

is legal, under the conditions existing at the time of its delivery in this case, it could have no other effect than to coerce the jury and deprive the petitioners of the fair, impartial and independent decision of the jurors.

CONCLUSION

Because it is of national importance that the rights of the deceased citizens with relation to their last wills and testaments be clearly defined and that the Constitutional rights of executors be supported by judicial adjudications and that the prevailing decisions and statutory provisions with respect to gifts affecting estates have judicial confirmations, it is respectfully submitted that this petition for a writ of certiorari should be granted.

HERBERT P. LEEMAN,
Attorney for Petitioners

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Washington, D. C. 20005

APPENDIX A

UNITED STATES COURT OF APPEALS
FOR THE DISTRICT OF COLUMBIA CIRCUIT

September Term, 1964

Civil 1746-60

No. 18,419

JAMES F. BIRD, Individually, et al., Executors of the Estate of Laura L. Jeffords, Deceased,
Appellants,

v.

ESTELLE S. MCCORD, et al.,
Appellees.

UNITED STATES COURT OF APPEALS
for the District of Columbia Circuit

Filed Oct 29 1964

/s/ Nathan J Paulson
Clerk

Appeal from the United States District Court for the District of Columbia.

Before: Bazelon, Chief Judge, and Wright and McGowan, Circuit Judges.

JUDGMENT

This cause came on to be heard on the record on appeal from the United States District Court for the District of Columbia, and was argued by counsel.

On consideration whereof It is ordered and adjudged by this Court that the judgment of the District Court appealed from in this cause be, and it is hereby, affirmed.

It is further ORDERED by the Court that appellees herein recover from appellants their taxable costs on this appeal, and have execution therefor.

Per Curiam.

Dated: Oct 29 1964

UNITED STATES COURT OF APPEALS
FOR THE DISTRICT OF COLUMBIA CIRCUIT

September Term, 1964

Civil Action 1746-60

No. 18,419

JAMES F. BIRD, Individually, et al., Executors of the Estate of Laura L. Jeffords, Deceased,
Appellants,

v.

ESTELLE S. MCCORD, et al.,
Appellees.

UNITED STATES COURT OF APPEALS
for the District of Columbia Circuit

Filed Dec 2 1964

/s/ Nathan J Paulson
Clerk

Before: Chief Judge Bazelon, and Fahy, Washington, Danaher, Bastian, Burger, Wright, and McGowan, Circuit Judges, in Chambers.

ORDER

On consideration of appellant's petition for rehearing *en banc*, it is

ORDERED by the Court *en banc* that appellant's petition for rehearing *en banc* is denied.

Per Curiam

Dated: Dec 2 1964

APPENDIX B

DEFENDANT'S EXHIBIT NO. 6

DISTRICT OF COLUMBIA DEPARTMENT OF PUBLIC HEALTH

CERTIFICATE OF DEATH

File No. 9[illegible]

Reg. Dist. No. 2N-2-54

1. PLACE OF DEATH

Washington, D. C. | Name of Hospital or Institution (If not in hospital, give street address): 2707 Woodley Road, N.W. | Length of Stay in Washington, D. C.: [illegible]

2. USUAL RESIDENCE (Where deceased lived. If institution: Residence before admission)

a. State: D.C. | b. County: | c. City, Town, or Location: Washington | e. Is residence inside city limits? Yes ☒ No ☐ | f. Is residence on a farm? Yes ☐ No ☒

d. Street Address: 2707 Woodley Rd. N.W.

3. Name of Decedent (Type or print): First: LAURA | Middle: LOUISE | Last: JEFFORDS

4. Date of Death: Month: Dec | Day: 25 | Year: 1959

5. Sex: Female | 6. Color or Race: White | 7. Married ☐ Never Married ☐ Widowed ☒ Divorced ☐ | 8. Date of Birth: 1-9-1870 | 9. Age (If under 1 year or 1 day, last birthday): 89 | If under 1 year: Months: [illegible] Days: [illegible] | If under 24 hrs.: Hours: [illegible] Min.: [illegible]

10a. Usual Occupation (Give kind of work done during most of working life, even if retired): Housewife | 10b. Kind of Business or Industry: | 11. Birthplace (State or foreign country): Mass. | 12. Citizen of What Country? U.S.A.

13a. Father's Name: Asaph Dodge | 13b. Mother's Maiden Name: Laura L. Pents | 14. Name of Surviving Spouse: --

15. Was Deceased Ever in U. S. Armed Forces? (Yes, No, or Unknown) If yes, give war, dates of service: No | 16. Social Security No.: NO | 17. Informant: James F. Bird- Attorney | Relationship to Deceased:

MEDICAL CERTIFICATION

18. Cause of Death (Enter only one cause per line for (a), (b) and (c).)

Part I. Death was caused by:

Immediate Cause (a): Cerebral thrombosis | Interval between onset and death: 7 Day

Conditions, if any, which gave rise to above cause (a), stating the underlying cause last.

Due to (b): Cerebral & Cerebrovascular sclerosis | 1+2 yr.

Due to (c):

Part II. Other Significant Conditions (Conditions contributing to death but not related to the terminal disease condition given in Part I(a))

19. Was Autopsy Performed? Yes ☐ No ☒

20a. Accident ☐ Suicide ☐ Homicide ☐ | 20b. Describe How Injury Occurred (Enter nature of injury in Part I or Part II of item 18.)

20c. Date of Injury: Month, Day, Year; Hour: a.m. p.m.

20d. Injury Occurred: While at work ☐ Not While at Work ☐ | 20e. Place of Injury (e. g., in or about home, farm, factory, street, office bldg., etc.) | 20f. City, Town, or Location | County | State

21. I attended the deceased from 15 Mar 59 to 25 Dec 59 and last saw her alive on 25 Dec 59. Death occurred on the date stated above and to the best of my knowledge, from the causes stated.

22a. Signature: Chas. L. Dickinson M.D. | 22b. Address: [illegible] | Date Signed: 12-29-59

23a. Burial ☐ Cremation ☐ Removal ☒ | 23b. Date: 12/28/59 | 23c. Name of Cemetery or Crematory: Oak Grove Cemetery | 23d. Location (City, Town, or County): Shreve, Ohio

24. Undertaker: The Seth Hines Co. | Address: [illegible] | Undertaker's Registration Number: 640

Remarks:

JUN 21 1960

This is to certify that the above is a true and correct reproduction of the original on file in the Vital Statistics Section of the District of Columbia Department of Public Health.

Pietro Gianoli
Chief, Vital Statistics Section

[Filed Feb. 5, 1964]

DEFENDANT'S EXHIBIT NO. 7

2707 Woodley Road, N. W.
Washington 8, 1959
October 16, 1959

TO WHOM IT MAY CONCERN:

It is my wish that MR. JAMES F. BIRD OF 3616 Sixteenth Street, N.W., Washington, D.C., take charge of all my personal and financial affairs during the period that I am incapacitated. Should I not recover from my present illness and expire, it is my desire that the said Mr. James F. Bird continue to have charge until my will is read.

I desire that my body be taken to the S. H. Hines Funeral Parlor in Washington, D.C., and thence to Shreve, Ohio, in care of Paul Morgan, Funeral Director at Shreve, Ohio.

/s/ Laura L. Jeffords

WITNESSES:

/s/ Raymond S. Sifdol
244 West 12th Avenue
Eugene, Oregon.

/s/ Wray Rochambeau
2745 29th St., N.W.
Washington 8, D. C.

/s/ WOMeldorf

[Filed Feb. 5, 1964]

DEFENDANT'S EXHIBIT NO. 8

In case of accident or death

Laura L. Jeffords
2707 - Woodley Road, N.W.

Notify Dr. Paul—Wooster, Ohio
203 No. Bern St.

Mrs. Hugh Taylor
5420 Conn. Ave., N.W.

Miss *Ellie Gill*

Notify—Mrs. Anna Simonson
or Mrs. R. L.
623 Colonial Dr.
Colonial Heights, Va.

Mrs. Dorothy Yoder
Notify Mrs. Patricia Olds
2803 - Cortland Place, N.W.
Apt. - 305.

[Filed Feb. 5, 1964]

ATTACHMENT TO DEFENDANT'S EXHIBIT 8

Mrs. L. L. Jeffords
2707 - Woodley Road, N.W.
Washington, D. C.

Mr. James Bird
3636 - 16th St., N.W.
Washington, D. C.

The Woodner

[Filed Feb. 5, 1964]

DEFENDANT'S EXHIBIT NO. 9

POWER OF ATTORNEY

Know All Men by These Presents

THAT Laura L. Jeffords have constituted and appointed, and by these presents do hereby constitute and appoint James F. Bird, of Washington, D.C., my true and lawful attorney for me and in my name and stead:

(a) To sign my name to checks (including checks to his own order) for the withdrawal of any funds now or hereafter on deposit to my credit with the American Security and Trust Company of Washington, D. C.

(b) To endorse my name on all checks, notes, drafts, and other negotiable paper belonging to me or made payable to my order, for any purpose whatsoever.

(c) ..... and generally to do and perform any and every lawful act and thing necessary to effect the same, with full power of substitution and revocation, hereby ratifying and confirming whatever said Attorney or substitute may lawfully do in the premises.

The said Trust Company shall be under no obligation as to any check so signed or paper so endorsed by said agent to make inquiry as to whether or not said agent is committing a breach of his duty as such agent; and I hereby release said Trust Company from any liability to me by reason of any breach of trust on the part of said agent.

WITNESS my hand and seal this 19th day of October, 1959.

Signed, sealed and delivered in
the presence of:

Laura L. Jeffords
HER MARK (Seal)

/s/ Wray Rochambeau

/s/ Emma Sobel

[Filed Feb. 5, 1964]

PLAINTIFFS' EXHIBIT NO. 7

January 10th, 1955
2707 - Woodley Road, N.W.
Washington, D. C.

To Whom It May Concern

I wish that Mr. James F. Bird and wife, take charge of my body and affairs at time of death until my Lock Box shall have been opened for further instructions.

First I desire that I shall be fully clothed in underwear & that a new dress or shroud be purchased of a medium blue shade—that *no* jewelry shall be put *upon* my body, that red rose-*buds* with asparagus vine be put in my hands. Funeral service shall be held at S. H. Hines Funeral Parlor and I especially request that while the services are in progress that the room be *well lighted.*

From there to Shreve Burial Ground in Ohio.

/s/ Laura L. Jeffords

This is my own
handwriting
L.L.J.